

**Appl. No.** : **10/017341**  
**Filed** : **Dec 13, 2001**

## **REMARKS**

### **I. Disposition of Claims**

Claims 10-19 are currently pending. Claims 10 and 15 have been amended for clarity, and thus for reasons unrelated to patentability. Support for the amended claims is found throughout the specification, for example in the original claims and page 6, line 6. No new matter has been added.

### **II. Definiteness**

The Office has rejected Claims 10-19 under 35 USC 112, second paragraph, as being indefinite. The Office feels the term “radial” in independent Claims 10 and 15 is unclear. In response, Applicant has amended Claims 10 and 15 to use the term “circumferential” as suggested by the Office.

### **III. Non-Obviousness**

The Office has rejected Claims 10-19 under 35 USC 103(a) as being obvious over Fordenbacher (5,733,328) in view of Ryan (5,830,217). Fordenbacher describes an expandable stent while Ryan describes a soluble capsule surrounding a stent on a catheter.

A significant advantage of the stent component of the claimed invention over the stent described by Fordenbacher is that in both the collapsed and expanded states, there are no ends of the elements free to protrude into the lumen or outward to the wall of the vessel. Such protrusion in other stents results in an increased risk of thrombosis and/or restenosis. Referring to Fig. 1 of Fordenbacher, the circular members (20) are free to be deformed out of the plane of the circumference of the stent when the stent is in a more collapsed state. The combination of Fordenbacher with the teachings of Ryan would not result in a stent with all elements having both ends anchored to the circumferential plane at all degrees of expansion.

Additionally, Fordenbacher does not describe “structurally separate sliding and locking circumferential elements”. Fordenbacher describes a longitudinal backbone (31) which extends the entire length of the stent, with a plurality of pairs of opposing circumferential members (20). In addition to the significant safety advantages associated with Applicant’s stent, as detailed above, the use of series of discrete circumferential elements affords a much greater degree of design flexibility compared to the Fordenbacher stent. By increasing the number of slidably engaged circumferential elements per series, the claimed invention provides flexibility in

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expansion ratio, from collapsed to expanded configurations. Similarly, by increasing the number of series that are longitudinally connected, Applicant's invention provides flexibility in axial length. Moreover, the use of discrete circumferential elements also permits Applicant's stent to exhibit varying degrees of axial flexibility depending on the number and length of the longitudinal support elements used to connect adjacent series, wherein the stent can be designed to bend readily to conform to nonlinear vessel geometries. In contrast, Fordenbacher's stent components, comprising a longitudinal backbone spanning the entire longitudinal distance of the stent, provide little or no axial flexibility. Thus, because Fordenbacher fails to disclose or suggest the safe and flexible stent design recited in amended Claim 10 or 15, and Ryan does not teach how to modify the stent of Fordenbacher, Applicant respectfully requests reconsideration of the Office's rejection of Claims 10-19 based on Fordenbacher in view of Ryan with regard to obviousness.


#### CONCLUSION

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of all outstanding rejections are respectfully requested. Allowance of the claims at an early date is solicited. If any points remain that can be resolved by telephone, the Examiner is invited to contact the undersigned at the below-given telephone number.

Respectfully submitted,

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